

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN
GREEN BAY DIVISION**

APPLETON PAPERS INC. and
NCR CORPORATION,

Plaintiffs,

v.

No. 08-C-0016

GEORGE A. WHITING PAPER COMPANY, *et al.*,

Defendants.

NCR CORPORATION,

Plaintiff,

v.

No. 08-C-0895

KIMBERLY-CLARK CORPORATION, *et al.*,

Defendants.

ORDER

Based on the stipulation submitted by NCR Corporation (“NCR”) and Appleton Papers (“API”) (collectively, “Plaintiffs”) and certain *De Minimis* Defendants,¹

¹ There are 10 stipulating *De Minimis* Defendants. Two of these Defendants have counterclaims pending against Plaintiffs: (1) Green Bay Metropolitan Sewerage District (Dkt. #329); and (2) the Procter & Gamble Paper Products Company (Dkt. #276). Those Defendants are referred to collectively herein as the “Pending *De Minimis* Defendants”. Eight of the Defendants had counterclaims against Plaintiffs that were dismissed *without* prejudice: (1) George A. Whiting Paper Company (Dkt. #254; Dkt. #816; Margin Order (Feb. 16, 2010)); (2) Green Bay Packaging, Inc. (Dkt. #266; Dkt. #1143; Text Order (Nov. 15, 2011)); (3) Heart of the Valley Metropolitan Sewerage District (Dkt. #257; Dkt. #1184; Text Order (Sept. 20, 2011)); (4) Leicht Transfer & Storage Co. (Dkt. #279; Dkt. #815; Margin Order (Feb. 16, 2010)); (5) Neenah Foundry Company (Dkt. #299; Dkt. #816; Margin Order (Feb. 16, 2010)); (6) Wisconsin Public Service Corp. (Dkt. #349; Dkt. #849; Dkt. #1080); (7) International Paper Co. (Dkt. #291; Dkt. #1273; Text Order (Dec. 30, 2011)); and (8) City of De Pere (Dkt. #246; Dkt. #1240; Text Order (Jan. 3, 2012)). Those Defendants are referred to collectively herein as the “Dismissed *De Minimis* Defendants”. The Pending *De Minimis* Defendants and the Dismissed *De Minimis* Defendants are referred to collectively herein as the “Pending/Dismissed *De Minimis* Defendants”.

IT IS HEREBY ORDERED that:

1. All claims that API has asserted or attempted to assert against the Pending/Dismissed *De Minimis* Defendants in the above-captioned action, including claims based on 42 U.S.C. § 9607, are hereby dismissed with prejudice, without costs to any party, and shall not be appealed;

2. All claims that NCR has asserted or attempted to assert against the Pending/Dismissed *De Minimis* Defendants in the above-captioned action, including claims based on 42 U.S.C. § 9607, are hereby dismissed with prejudice, without costs to any party, and shall not be appealed;

3. All claims that the Pending/Dismissed *De Minimis* Defendants have asserted or attempted to assert against Plaintiffs, individually or collectively, in the above-captioned action are hereby dismissed with prejudice, without costs to any party, and shall not be appealed; and

4. Any order dismissing the Dismissed *De Minimis* Defendants' counterclaims against Plaintiffs without prejudice is hereby vacated, and this Order shall govern as to the Dismissed *De Minimis* Defendants' counterclaims.

5. This Order shall not affect Plaintiffs' rights as to claims against parties other than the Pending/Dismissed *De Minimis* Defendants.

Dated this 6th day of February, 2013.

s/ William C. Griesbach
William C. Griesbach
Chief United States District Judge